

WP(C) 1396/2007
BEFORE
THE HON'BLE MR JUSTICE B.K. SHARMA

Heard Mr. P. Sarma, learned counsel for the petitioners, as well as Ms. R. Chakraborty, learned State Counsel for the respondents.

By means of this application, the petitioners have prayed for a direction to the respondents to consider the case of the petitioner for appointment against Grade-IV vacancies stated to be lying vacant in different ICDS project in the Cachar District under the respondents. The claim has been made on the ground that the petitioners have been appointed on temporary basis for limited duration.

From the materials available on record, it appears that the petitioners were appointed purely on temporary and adhoc basis during period of 1994-1997. However, it is the case of the petitioners that they were continuing in their services with time to time extension and break up to 2003.

Ms. R. Chakraborty, learned State Counsel, was requested to obtain instruction in the matter. She has been furnished with the required instruction by letter dated 5.4.2007 issued by the Director of Social Welfare, Assam. The instruction furnished in writing is reproduced below:

Examined and verified the records and found that all the two (2) petitioners were engaged on casual basis at a consolidated pay pf Rs. 900/- after 1.4.93 without any sanctioned post but just as casual worker. Mention may be made that all the petitioners were called upon for oral interview for recruitment to the vacant Gr.IV post in the Cachar District. Total notified posts was 6 (six) Nos. in the Cachar district. As per merit select list of Cachar district all total 24 nos candidates were selected and result published on 11.11.05. In the merit select list petitioner's position was at Sl. 11 one Sri Bijon Kr. Singha and petitioner Sri Badal Chandra Roy could not come out successfully in the interview and his name is not available in the merit select list. The candidate occupied higher positions were appointed as per select merit list. Total notified vacant posts were 6 nos and serially 1 to 6 were appointed from the merit select list. The validity of the select list expired on 10.11.06.

Director, Social Welfare
Assam, Guwahati-1.

From the above, it will be seen that there was selection for appointment against Grade-IV vacancies, but the petitioners could not qualify in the selection. The results of the selection were published on 11.11.2005. Thus, the case of the petitioners was considered, but, since they could not qualify in the selection, they could not be appointed. Mr. Sarma, learned counsel for the petitioners submits that the case of the petitioners may be considered for future vacancies and/or any other vacant posts.

Needless to say that in any public appointment, equal opportunity to all eligible candidates should be given. The petitioners cannot claim preferential treatment on the ground of their engagements on temporary basis.

I disposed of the writ petition providing that in the event of making any advertisement for appointment against Grade-IV posts by the respondents, it will be open for the petitioners to offer their candidatures as per their eligibility and the respondents shall proceed with the matter in accordance with the recruitment rules.

Writ petition is disposed of.